

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

OPTICSPLANET, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 09 C 7934
	)	
OPTICSALE, INC., et al.,	)	
	)	
Defendants.	)	

MEMORANDUM ORDER

Alexander Ostrovsky ("Ostrovsky"), whose retained counsel recently withdrew from representing him, now asks this Court to appoint counsel to represent him pro bono publico. To that end he has submitted an In Forma Pauperis Application ("Application") and a Motion for Appointment of Counsel ("Motion"), using forms provided by this District Court's Clerk's Office.

Ostrovsky appears to believe that he is entitled to be provided with free legal representation because, he says, he cannot afford to pay a lawyer. Although that is a constitutional entitlement in criminal cases, it is simply not true in civil litigation such as this action. This District Court's pro bono program, under which members of the trial bar may be made available to represent impecunious litigants, is discretionary on the part of the judge assigned to a case, and here Ostrovsky has provided nothing to justify such an appointment (see this District Court's LR 83.36(c)).

Accordingly both the Application and the Motion are denied.  
Ostrovsky must proceed in this action on his own unless he  
obtains replacement counsel.

A handwritten signature in cursive script, reading "Milton I. Shadur".

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Milton I. Shadur  
Senior United States District Judge

Date: January 24, 2011